

SENATE BILL 2482
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 1, relative to the detection of crime.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following as a new, appropriately numbered part:

38-1-301. The purpose of this part is to curtail the crime of statutory rape, to require the reporting of a condition believed to be indicative thereto, and, being necessary for the health, peace and safety of the public, to protect minors in a specified age range, who are not legally competent to consent to sex, from rape.

38-1-302. If during any treatment or examination of any child between the ages of at least thirteen (13) but less than eighteen (18) years of age a determination is made that such child is pregnant, and if it is learned during the course of the treatment or examination that the alleged father is at least four (4) years older than but not the legal spouse of the victim, in accordance with the provisions of Sections 39-13-506 and 39-13-507, the doctor, physician, surgeon, health care provider, or other person examining or treating the child or diagnosing the condition shall within twenty-four (24) hours of the time of the treatment, examination or diagnosis report the same in writing to the chief of police, if the treatment, examination or diagnosis occurs in an incorporated town or city, or to the sheriff if occurring outside the corporate limits of any incorporated town or city. The written report shall not be in compliance with this act unless it is filed within such time period.

38-1-303. Injuries to minors which are required to be reported by Section 37-1-403 are not required to be reported under this part.

38-1-304. The report shall include, to the extent known by the doctor, physician, surgeon, health care provider or other person filing the report, the name, address, and age of the child; the name, address and age of the alleged father; the alleged father's whereabouts at the time the report is made; the results of the diagnosis and the facts requiring the report. The report may include any other pertinent information.

38-1-305. (a) Reports made under this part and the identity of the person filing the report are confidential except when the court having jurisdiction, determines the testimony of the person reporting to be material to an indictment or conviction.

(b) (1) Except as otherwise provided in this part, it is an offense for any person, except for purposes directly connected with the administration of this part, to disclose, receive, make use of, authorize or knowingly permit, participate in, or acquiesce in the use of the name of, or any information about, persons who are the subject of a report under this part, directly or indirectly derived from the records, papers, files or communications of the doctor, physician, surgeon, health care provider or other person filing the report.

(2) A violation of this provision is a Class A misdemeanor.

38-1-306. (a) It is an offense for any person who is required to report under this part, to fail to make the report within the time specified in §38-1-302.

(b) A violation of this provision is a Class A misdemeanor.

38-1-307. Any person making a report under this act shall be immune from civil liability that might otherwise be imposed for such action.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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